



Competitive Carriers Association
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March 31, 2017

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NOTICE OF EX PARTE

CG Docket No. 16-145: *Transition from TTY to Real-Time Text Technology*

GN Docket No. 15-178: *Petition for Waiver of Rules Requiring Support of TTY Technology*

Dear Ms. Dortch:

Competitive Carriers Association (“CCA”)¹ writes in response to the Public Notice² published by the Federal Communications Commission’s (“FCC” or “Commission”) Consumer and Governmental Affairs Bureau (“Bureau”) seeking comment on T-Mobile USA, Inc.’s (“T-Mobile”) Petition for Clarification or, in the Alternative, Reconsideration of the FCC’s *Real-Time Text Report & Order*.³ CCA encourages the Commission to grant T-Mobile’s request and clarify that requirements adopted in the *Report & Order* were not intended to modify the way carriers are obligated to deliver calls to Public Safety Answering Points (“PSAPs”) using an Emergency Services IP Network (“ESInet”).

CCA’s members continue to strive toward the transition from text telephone technology (“TTY”) to real-time text communications (“RTT”)⁴, and applaud the FCC’s goal to provide a standardized means for IP-based communication, including in support of next-generation 911

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States, and its membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² *Consumer and Governmental Affairs Bureau Seeks Comment on T-Mobile USA, Inc. Petition for Clarification, or in the Alternative Reconsideration of the Commission’s Real-Time Text Order*, Public Notice, CG Docket No. 16-145, GN Docket No. 15-178, DA 17-197 (rel. Feb. 22, 2017) (“Notice”).

³ T-Mobile USA, Inc., Petition for Clarification or, in the Alternative, Reconsideration, CG Docket No. 16-145, GN Docket No. 15-178 (filed Feb. 27, 2017) (“Petition”).

⁴ See Competitive Carriers Association, First Progress Report, GN Docket No. 15-178 (filed Oct. 20, 2016); Competitive Carriers Association, Preliminary Report, GN Docket No. 15-178 (filed July 19, 2016).

communications.⁵ As CCA has long advocated, the FCC should facilitate these efforts by continuing to ensure that application of rules adopted in the *Report & Order* are “readily achievable” or “achievable,” and do not impose infeasible mandates on competitive carriers.⁶ CCA’s members endeavor to meet the *Report & Order*’s requirements that RTT be interoperable across networks and devices, backward compatible with TTY technology, and support 911 communications.⁷ CCA encourages the Commission to be mindful, however, of technical obstacles beyond wireless providers’ control. As T-Mobile explains, the *Report & Order* seems to incorrectly characterize how calls are delivered from carriers to PSAPs using an ESINet, and instead imposes on carriers the responsibility of re-inserting themselves into the transcoding process.⁸ The National Emergency Number Association (“NENA”) agrees, reiterating that “it would be difficult, if not impossible, for [] [access network providers] to insert its own systems between a terminating ESINet and a legacy PSAP.”⁹ What’s more, NENA notes that “doing so would require a novel call-routing mechanism, or would require a carrier to pay for all or part of the costs of installing and maintaining a Legacy PSAP Gateway.”¹⁰ Indeed, if imposed, this requirement would expand carriers’ existing duties with an obligation that is likely unachievable. The FCC should instead affirm carriers’ responsibility to “deliver calls to an ESINet in its compatible form, IP, or to deliver circuit switched communications to a selective router where carriers connect with the PSAP directly through a selective router.”¹¹ As the FCC itself recognizes in the *Report & Order*, “to ease any associated implementation burdens, we do not prescribe how 911 calls via RTT should reach a PSAP.”¹² CCA supports this policy, and encourages the Commission to apply the same principle when considering T-Mobile’s request.

While call transmission via an ESINet is technical in nature, the Commission’s resolution of T-Mobile’s request also could affect accessibility and 911 policy. CCA reiterates that the FCC should continue to allow carriers sufficient flexibility to utilize any and all technologies that best enhance their networks, and refrain from imposing infeasible technology mandates through the RTT transition.¹³ Additionally, the FCC should grant T-Mobile’s request to validate industry’s

⁵ See *Transition From TTY to Real-Time Text Technology; Petition For Rulemaking To Update The Commission’s Rules For Access To Support The Transition From TTY To Real-Time Text Technology, And Petition For Waiver Of Rules Requiring Support of TTY Technology*, Report & Order, 82 FCC Rcd 7699, 7704 ¶ 43 (2016) (“*Report & Order*”).

⁶ See *Ex Parte* letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 16-145, GN Docket No. 15-178 (filed Nov. 25, 2016); *Ex Parte* letter from Kristine Laudadio Devine, Counsel to T-Mobile USA, Inc. and CCA, Harris, Wiltshire & Grannis, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 16-145, GN Docket No. 15-178 (filed Dec. 2, 2016). See also Comments of Competitive Carriers Association, CG Docket No. 16-145, GN Docket No. 15-178 at 2-3 (filed July 11, 2016); and Reply Comments of Competitive Carriers Association, CG Docket No. 16-145, GN Docket No. 15-178 (filed July 25, 2016).

⁷ See *Report & Order* ¶ 6.

⁸ Petition at 3.

⁹ See Comments of the National Emergency Number Association, CG Docket No.16-145, GN Docket No. 15-178 at 2 (filed Mar. 30, 2017) (“NENA Comments”).

¹⁰ See *id.*

¹¹ See Petition at 3.

¹² *Report & Order* ¶ 44.

¹³ See *supra*, note 6.

understanding that new requirements adopted in the *Report & Order* do not upend current rules governing next-generation 911 services,¹⁴ nor upend the relationship between a PSAP and ESINet.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc: Karen Peltz Strauss
Michael Scott

¹⁴ See, generally, 47 CFR § 20.18 (2017).